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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,485	12/04/2001	Osamu Tsujii	35 G2950	9623
5514 7590 05/01/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER				
HAMZA, FARUK				
ART UNIT		PAPER NUMBER		
2155				
MAIL DATE		DELIVERY MODE		
05/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/000,485

Applicant(s)

TSUJII ET AL.

Examiner

FARUK HAMZA

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Response to Amendment

1. This action is responsive to the communication filed on April 10, 2008.
Claims 12-24 have been amended. Claims 1-11 and 25-31 have been withdrawn.
Claims 12-24 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lo et al. (U.S. Patent Number 6,031,818) hereinafter referred as Lo and further in view of Taniguchi (U.S. Patent Number 6,222,841) hereinafter referred as Taniguchi.

Lo teaches the invention substantially as claimed including a system for correcting errors in the transmission of data packet between a source and a receiver. The source sends data packets to the client unit and server unit. The system uses the client and the server unit to send a repaired packet stream to a receiver when an error is detected (abstract).

As to claim 12, Lo teaches an information processing apparatus for processing a data stream inputted via a network, comprising:

an input unit for inputting a data stream via a network (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses input unit to input data stream);

an interrupted-stream storage unit for storing an interrupted stream generated by interrupting the data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses generating interrupted data stream);

an interrupt information storage unit for storing interrupt information associated with the interrupted stream (Column 4, lines 24-Column 5, lines 47, Lo discloses storing interrupted information); and

an output unit for output the interrupted stream stored in the interrupted-stream storage unit, in response to a request for outputting the data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses output unit),

wherein said interrupt information is at least one of a compression ratio, a signal-to-noise ratio, an amount of data, and a number of layers of said data stream (Column 4, lines 24-Column 5, lines 47, Lo discloses interrupted stream).

Lo does not explicitly teach the claimed limitation of hierarchically-encoded data.

However, Taniguchi teaches the claimed limitation of hierarchically-encoded data (abstract, Column 25, lines 5-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lo by adding functionality for data stream having hierarchically-encoded data, which would make the system communicate image

sequences more efficiently so as to provide a more graceful degradation of the image. One would be motivated to do so to enhance system's efficiency.

As to claim 13, Lo teaches an information processing apparatus according to claim 12, wherein the output unit inputs a partial data stream following the interrupted stream via the input unit (Fig. 1, Column 3, lines 26-Column 4, lines 23).

As to claim 14, Lo teaches an information processing apparatus according to claim 12, further comprising a setting unit for set or update the interrupt information, wherein the output units inputs a partial data stream following the interrupted stream via the input unit, in accordance with the interrupt information updated by the setting unit, and generates a new interrupted stream from the interrupted stream stored in the interrupted-stream storage unit and the partial data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23).

As to claim 15, Lo teaches an information processing apparatus according to claim 12, wherein the output unit outputs the interrupt information together with the interrupted stream (Fig. 1, Column 3, lines 26-Column 4, lines 23).

Claims 16-19 do not teach or define any new limitations other than above claims 12-15. Therefore, claims 16-19 are rejected for similar reasons.

As to claim 20, Lo teaches an information processing apparatus for processing a data stream inputted via a network, comprising:

an input unit for inputting a data stream via a network (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses input unit to input data stream);

an analysis unit for analyzing the data stream inputted via the input unit (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses analyzing data stream);

a generating unit for, in accordance with an analysis result made by the analysis unit, interrupt input of the data stream via the input unit and generating an interrupted stream from the data stream (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses generating interrupted data stream);

an interrupted-stream storage unit for storing the interrupted stream generated by the generating unit (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses generating interrupted data stream);

an interrupt information storage unit for storing interrupt information associated with the interrupted stream (Column 4, lines 23-Column 5, lines 37, Lo discloses storing interrupted information); and

an output unit for outputting the interrupted stream and the interrupt information to an external apparatus connected to the network (Fig. 1, Column 3, lines 26-Column 4, lines 23, Lo discloses outputting unit),

wherein in said analysis, at least one of a compression ratio, a signal-to-noise ratio, an amount of data, and a number of layers of said data stream is employed as an analysis condition (Column 4, lines 23-Column 5, lines 37, Lo discloses analysis condition).

As to claim 21, Lo teaches an information processing apparatus according to claim 20, further comprising a setting unit for set or update a reference value

indicating said analysis condition of the analysis unit, wherein the analysis unit analyzes the data stream inputted via the input unit, with respect to the reference value (Column 4, lines 23-Column 5, lines 37).

Claims 22-24 do not teach for define any new limitations other than above claims 20-21. Therefore, claims 20-21 are rejected for similar reasons.

3. **Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Response to Arguments

4. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2155

/saleh najjar/

Supervisory Patent Examiner, Art Unit 2155

Application Number**Application/Control No.**

10/000,485

Examiner

FARUK HAMZA

**Applicant(s)/Patent under
Reexamination**

TSUJII ET AL.

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